

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-cv-23182-RAR

C.M., MICHAEL BORREGO FERNANDEZ,
J.M.C., E.R., *on behalf of themselves and
all others similarly situated, et al.,*

Plaintiffs,

v.

KRISTI NOEM, *Secretary, U.S. Department
of Homeland Security, et al.,*

Defendants.

**FEDERAL DEFENDANTS' RESPONSE
TO PLAINTIFFS' EXPEDITED DISCOVERY REQUEST**

Pursuant to this Court's orders on the expedited discovery motion, the federal defendants file in the public docket their responses to Plaintiffs' request to produce and interrogatories.

General Objections

The federal defendants provide these responses to the best of their knowledge, based on information known to them at this early stage of the litigation. The federal defendants reserve the right to supplement, amend, or revise these responses in line with the Federal Rules of Civil Procedure if they learn of new information through discovery or otherwise.

The federal defendants do not intend to waive, and specifically preserve, all applicable privileges, immunities, and protections. They also preserve the right to contest all assumed facts, events, characterizations, and legal conclusions.

Request for Production:

Produce all written agreements—including but not limited to all contracts, memoranda of agreement under 8 U.S.C. § 1357(g)(1), and any other agreements—that provide the legal authority for any government agency or private contractor to detain people and exercise any other immigration officer functions at Alligator Alcatraz.

Response:

The federal defendants attach responsive documents to this filing.

Interrogatory 1:

Identify all federal, state, and/or local government agencies that have legal custody over people detained at Alligator Alcatraz.

Response:

Federal law authorizes state officers and employees to “perform a function of an immigration officer,” including the “detention of aliens,” pursuant to an agreement with the federal government. *See* 8 U.S.C. § 1357(g)(1). The aliens at Alligator Alcatraz are detained by the State of Florida pursuant to that authority. Should these state officers be sued for damages, federal law provides that they are “acting under color of Federal authority for purposes of determining . . . liability and immunity from suit.” 8 U.S.C. § 1357(g)(8). State officers detaining aliens pursuant to this authority are also subject to the “direction and supervision of the” federal government. 8 U.S.C. § 1357(g)(3). As such, while the aliens are in the physical custody of the State, they are for certain legal purposes treated as in the custody of the federal government.

Interrogatory 2:

Identify all federal, state, and/or local government agencies and contractors that are responsible for carrying out detention operations at Alligator Alcatraz.

Response:

The federal defendants object to the phrase “responsible for carrying out detention operations” as vague and unclear, overly broad and requesting information not within the possession, custody, or control of DHS/ICE or other federal defendants. Subject to the foregoing, the State of Florida is responsible for carrying out detention operations at this facility.

Dated: August 7, 2025

Respectfully submitted,

HAYDEN P. O’BYRNE
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